IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24375 of 2004

Between:

Surinder Singh, S/o. Sri Santokh Singh,

Aged about 38 years, R/o. 727/7, Govindpuri, Kalkaji, New Delhi,

Proprietor of M/s. P.R. Road lines, rep. by its Authorised Signatory,

Sri Saurabh Kumar Makhnotr 27 (Y), R/o. III-46, North West Motibagh,

New Delhi-21.

..... PETITIONER

AND

1 The Commissioner of Transport, Govt of A.P.,

Burgurla Ramakrishna Rao Bhavan, Hyderabad.
2 The Secretary and Joint Transport Commissioner,

Regional Transport Authority, Hyderabad.
3 The Motor Vehicle Inspector, Regional Transport Authority,

Hyderabad.
4 The Assistant Morot Vehicle Inspector, Regional Transport Authority,

Hyderabad.
5 The Additional Commissioner of Police (Traffic), Police Control Room,

Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction, one in the nature writ of Mandamus, declaring action of the respondents 1 to 3 in not releasing the vehicle (TATA 709) bearing registration No. HR 38K 0292, registered in Haryana, with Engine No. 497 TC 89 DW 2874814 and Chassis No. 386532 DW 2713107, all the Original documents, in spite of the petitioner paying the compounding fee and obtaining release orders, as arbitrary, illegal and violative of the principles of natural justice, colourable exercise of power and contrary to the provisions of the Motor Vehicles Act, 1988 and consequently direct the respondents 1 to 3 to release the vehicle (TATA 709) bearing registration No. HR 38K 0292, registered in Haryana, with Engine No. 497 TC 89 DW 2874814 and Chassis No. 386532 DW 2713107 along with all its original documents, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.V.R.RUDRA PRASAD

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

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ORDER:

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The petitioner claims that he is the owner of the vehicle (TATA 709, LCV) bearing registration No.HR 38K 0292. He further contends that he had come to Hyderabad with the required permit and on 08.12.2004 when he was proceeding on tank bund road, the 5th respondent stopped the vehicle, checked the same and seized the same on the ground that the vehicle is plying in the A.P.State illegally alteration of the body from open to close.

The petitioner further contends that the police filed charge sheet and the XVI Metropolitan Magistrate, Nampally directed the petitioner to pay compound fee of Rs.4,200/-. Accordingly, the petitioner paid compound fee, but his vehicle was not released and the respondents did not return original documents. Hence the writ petition.

Heard the learned counsel for the petitioner and the leaned Government Pleader, appearing for the respondents 1
to 5.

As the petitioner has already paid compound fee as ordered by the Court below, it is not desirable to keep the vehicle in the custody of the respondents. Therefore, the respondents are directed to release the vehicle (TATA 709, LCV) bearing registration No.HR 38K 0292 to the petitioner along with seized documents for interim custody on complying the following conditions:

1. The petitioner shall not transfer or alienate the vehicle in

favour of others until further orders;

2. The petitioner shall produce the vehicle as and when required by the 1st respondent;

3. The petitioner shall cause production of all the documents available with him and participate in the enquiry, if necessary, to enable the 1st respondent to pass appropriate orders.

The Writ Petition is, accordingly, disposed of. No costs.

Note:

Issue CC by tomorrow

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner of Transport,

Government of Andhra Pradesh,

Burgurla Ramakrishanarao Bhavan,

Hyderabad

2. The Secretary and Joint Transport Commissioner,

Regional Transport Authority, Hyderabad

3. The Motor Vehicle Inspector,

Regional Transport Authority, Hyderabad

4. The Assistant Motor Vehicle Inspector,

Regional Transport Authority, Hyderabad

5. The Additional Commissioner of Police (Traffic),

Police Control Room, Saifabad, Hyderabad

6. Two CCs to the Government Pleader for Transport,

High Court Buildings, Hyderabad (OUT)

7. Two CD copies.